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NEW YORK IN 1850 AND IN 1890. A POLITICAL STUDY.

An Address

DELIVERED BEFORE THE

NEW YORK HISTORICAL SOCIETY

ON ITS

EIGHTY-SEVENTH ANNIVERSARY,

TUESDAY, NOVEMBER 17, 1891,

BY THE

HON. SETH LOW, LL.D.,

PRESIDENT OF COLUMBIA COLLEGE.



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PROCEEDINGS.

At a meeting of the NEW YORK HISTORICAL SOCIETY, held in its Hall, on Tuesday, November 17, 1891, to celebrate the Eighty-seventh Anniversary of the Founding of the Society :

The exercises were opened with prayer by the Rt. Rev. HENRY C. POTTER, D.D., LL.D., Bishop of New York.

The Anniversary Address was then delivered by the Hon. SETH LOW, LL.D., President of Columbia College, on "New York in 1850 and 1890. A Political Study."

On its conclusion, the Rev. EUGENE A. HOFFMAN, D.D., D.C.L., Dean of the General Theological Seminary, submitted the following resolution, which, after remarks by MR. WILLIAM H. MONELL and the Hon. CHARLES A. PEABODY, was adopted unanimously :

Resolved, That the thanks of the Society be presented to the Hon. SETH LOW, LL.D., for the able, learned, and instructive address which he has delivered this evening, and that he be requested to furnish a copy for publication.

A benediction was then pronounced by the Rev. DAVID H. GREER, D.D., Rector of St. Bartholomew's Church.

The Society then adjourned.

Extract from the Minutes :

ANDREW WARNER,
Recording Secretary.

NEW YORK IN 1850 AND IN 1890.

A POLITICAL STUDY.

GENTLEMEN OF THE NEW YORK HISTORICAL SOCIETY :

The subject to be dealt with scarcely needs explanation, but a few words as to my point of view may throw light upon the treatment of it. By 1850, New York had fairly entered upon the era of popular government, under conditions as to population and suffrage similar to those which exist to-day. In 1846, the immigration of the year into the United States exceeded 150,000 persons, while by 1850 the number had grown to 370,000 for the year. The city had already in 1850 a population of 515,000, of whom nearly one-third were of foreign birth.

In point of population, therefore, New York was in 1850 already a large city, and it displayed the same characteristics as now in its electorate. Accordingly, we ought to be able, by a study of this period of forty years, to form a just idea of the results of popular government in this city under these conditions. Such a study I conceive to be important, because it may do something to modify two opinions more or less prevalent among our people, both of which, in my view, help to make it more difficult to obtain good city government. On the one hand, you will hear in some quar-

ters all our woes traced to universal suffrage and to the foreign immigration. Those who hold this view are of little value to the cause of good government, because they say it is hopeless, that nothing can be done under such conditions. If it is possible to demonstrate, from the actual results of these forty years in New York City, that great and important improvements in government have been effected under precisely such conditions, the significance of such a demonstration is apparent, because what is capable of improvement may be improved still further. On the other hand, a still more numerous body of our people, without perhaps saying so in so many words, are of the opinion that whatever the people decide to do at any given time is the best possible thing to be done. In other words, such people are largely unconscious of defects in the city government, because they have no adequate standard. These are of little value to the cause of improvement, because they do not see the need for improvement. It may, therefore, even be helpful to point out some of the failures and mistakes of the forty years.

I propose to deal first with governmental forms. I must ask you to bear with me while I try to make clear the salient features of the government of New York in the year 1850. To this end a brief summary of the charter history of the city up to that time is important. The earliest English charter, after the English had finally established their hold on the province, that of Governor Dongan, granted in 1686, recites that New York, even at that date, was an ancient city. This charter was somewhat enlarged in 1708, by Governor Cornbury, and re-enacted in the Montgomerie Charter of 1730. This latter charter was so funda-

mental in character that Chancellor Kent was able to say of it, in 1836, that the charter of 1730 was "the foundation upon which the city of New York was then governed." "It has withstood," he says, "the shock of the American Revolution, which for a time suspended its functions, and it was confirmed by the Constitution of 1777, and again by the Constitution of 1821. It remains to this day (1836) with much of its original form and spirit, after having received by statute such modifications, and such a thorough enlargement in its legislative, judicial, and executive branches, as were best adapted to the genius and wants of the people, and to the astonishing growth and still rapidly increasing wealth and magnitude of the city." So writes Chancellor Kent in 1836. Doubtless the grants and franchises of the early charters remain a part of New York's rich inheritance up to this day.

But even in 1836 many and important changes had come over the governmental forms under which the city was governed. By the State Constitution of 1777, the Mayor of New York and all local officials except aldermen and constables, were appointed by the State Council of Appointment. This body was composed of the Governor and of four Senators chosen by the Assembly of the State, one senator from each of the four great senatorial districts into which the State was then divided. The city was thus directly administered by the State. This system prevailed until 1821.

In 1814, so important a man as DeWitt Clinton was removed from the office of Mayor of the city of New York by this State Council of Appointment, and Mr. John Ferguson, Grand Sachem of the Tammany Society, was appointed in his stead, "under an understanding that Mr. Ferguson was soon to be provided

with an office by the General Government (Surveyor of the Port) when one Mr. Radcliffe was to receive the office of Mayor. . . . This arrangement was fully carried into effect." So writes Jabez Hammond in his "Political History of New York State." This is interesting, because it shows how, even at a time when the Mayor was appointed, and when the suffrage was limited, and when immigration was wholly unimportant, the Tammany Society was able to treat the city of New York as a political estate to be dealt with at its own pleasure. It does not lessen the injury which the city has received from this sort of treatment to show that it has persisted for three-quarters of a century, but it ought to prevent us from charging this sort of thing either to universal suffrage or to foreign immigration; for it was indulged in long before either of these elements entered into the problem.

By 1821, abuses of this character had become so unbearable that in the constitutional revision of that year the power of appointing the Mayor and other local officials was taken away from the State authorities, and lodged in the Common Council of the city. The next ten years were years of continual agitation for charter changes. These culminated in 1830 in a new charter which created a Common Council consisting of two chambers, and provided, though not even then for the first time, for spring charter elections. In this charter the first attempt was made to define the duties of the Mayor. It is significant that Chancellor Kent, in commenting on the Mayor's powers under this charter, treats, first, of his legislative powers; second, of his judicial powers; third, of his executive powers. In effect, under this charter the Mayor had no executive duties of any moment. The charter provided, "That

the executive business of the corporation of New York shall hereafter be performed by distinct departments, which it shall be the duty of the Common Council to organize and appoint for that purpose." These departments, it will be perceived, held no relation whatever to the Mayor of the city. In 1833, at the instance of the Common Council itself, the Mayor of the city was made an elective officer, to be chosen then, as now, by universal suffrage. At this time, however, foreign immigration was not an important factor. Mr. Hone, in his delightful diary, fails to give the impression that everything was perfect in the city administration even at this period. At least he writes of the politics of the time in language quite as strong as anyone would use now. Certainly the impression grew that the charter of 1830, even as amended by making the Mayor elective, was not an effective instrument for good government. Accordingly, in 1849, still another charter was obtained, and that brings us to the form of government in 1850, the time at which our more detailed study is to begin.

This brief sketch emphasizes vividly the two points I am anxious to make clear : first, that the government of the city, when it rested on a restricted suffrage, was not satisfactory to the inhabitants, even at a time when immigration had contributed substantially nothing to the difficulties of the problem ; second, that the city has been a football in the field of the larger politics of the State and the nation at least from the beginning of the century. So, then, even this bad habit is not to be charged to universal suffrage or to immigration. Nevertheless it is startling to perceive how deep-rooted this difficulty is. It is not so strange, perhaps, that when the State administered the city, the State should

use the city as a pawn in its own game of government. But it is singular that after the people of the city have so long enjoyed the right to choose their own Mayor, that they should continue to make their choice on the lines of national divisions. Doubtless this tendency in every city is one of the greatest obstacles in the United States to a really high standard in city government; for city officials will not fail to give the city the second place in their thoughts, so long as they perceive that the citizens are quite content to allow the city elections to be mere incidents in the strife of national parties. A bad habit of such long standing is hard to shake off, but every good citizen must do what he can to develop the better public opinion that will make it possible to do so.

However, by 1850 this was the problem. A large and rapidly growing city, whose population was composed of heterogeneous elements, was to be administered, not only by universal suffrage, but as a sort of by-play in the strife of parties. What, then, were the characteristics of the charter of New York in 1850, and what are they in 1890? I take it that a city charter, as embodying the machinery of city government, in order to produce good results must be adapted to the power which is to operate it. A wooden bow will shoot an arrow, but it requires a very different weapon to enable one to use powder. That is the significance of all the talk about city charters. It is not contended that any charter will operate itself, or produce the best results unless administered by good men. But it is seriously and urgently contended that a charter adapted to the power that is to operate it, is essential to securing the best results from any men, while it may also tend to minimize the evils flowing from bad officials.

In the earlier charters the subjects considered came in this order : the legislative, the judicial, the executive. By 1849, executive business claimed the second place ; in 1890, it is clearly first. This, then, at least, the people have shown themselves competent to learn : that the principal business of a city government is administrative, not legislative. In 1849, nine executive departments were created by the charter. In 1830, the Common Council was to create all executive departments. Thus it had been learned, in a measure at least, even by 1850, that the executive departments, under our American conditions, in order to have any sort of efficiency must be independent of the Common Council. I know good results have been obtained by competent men under other systems, that in Birmingham and Glasgow, for instance, fine executive work has been done under the oversight of committees of the legislative body. But the people of New York have not composed their Common Council, as a whole, of such material at any time within the period under review, if they ever did. This point is fairly cited, therefore, as an instance where New York has profited by experience. In 1850, seven of these heads of departments, while they had ceased to owe their origin to the Common Council, were to be elected by the people, it being supposed by those who advocated this change that election by the people would do away with the spoils system, which was already a matter of complaint, and that thus increased efficiency would be secured. As might have been supposed, the actual result was that the nominal Mayor was surrounded by seven little mayors, over whom he had no control, and confusion rapidly grew worse confounded. In 1890, most of the heads of departments are to a great extent

responsible to the Mayor, are appointed by him without even confirmation by the Common Council, and thus they form parts of a governmental machine which has at least the merit of being workable as one whole. In my judgment, the terms of executive officers appointed by the Mayor should correspond with the term of the Mayor appointing them, and he should also have the power of removal, in order that responsibility may go hand in hand with power. But, even as it stands, in this respect also the charter of 1890 marks an immense advance over 1850.

In 1850, the budget for the city had to be confirmed in Albany by the Legislature. Since 1870, the city budget has been prepared by the Board of Estimate and Apportionment, and the tax levy for the year has been laid by the local authorities. It is a curious fact that some of the best provisions of the present charter were first secured in the celebrated Tweed charter of 1870, the Board of Estimate and Apportionment being an example. This charter had many features to commend it, and it ought not to be forgotten that the mischief wrought by Tweed and his fellows was done more under collateral acts of the Legislature than through the charter itself. This is mentioned by the way, because it is often thought sufficient to condemn a good proposition, by those not well informed, to say of it that this was the plan of the Tweed charter.

In effect, therefore, it seems to be clear that a body politic governed by just such a population as ours, and under just such conditions, has been able to learn, in forty years, some most important lessons touching the structure of the city government best adapted to its own use. Whatever may be the evils of which we complain to-day, and I have no disposition to under-

state them, I presume there is no one who will not admit that the city would be infinitely worse off if the charter of 1850 were the charter of 1891.

This leads me to touch upon another point. Some one may say that all of these improvements have been wrought by the Legislature of the State, that the city has had no part in them other than to accept them. This is only nominally true. The law-making power doubtless has passed the laws, but in many cases, if not in all, the law has simply embodied the best judgment of the city. Again, if it is true that local elections have been merely incidents in the political struggle for the control of the State, so it is also true that the city, during this whole interval, has been subject to the joint control of its own citizens and of the Legislature. The consequences of legislative interference have been both good and bad ; the result is the complex effect of many causes. It is not important for my purpose to distinguish between these causes and to apportion to each its efficacy. It is enough if I have been able to show, as to the form of the city government, that improvement is clearly discernible during the forty years under review. The case is not hopeless if so great a population, in the face of every conceivable difficulty, has been able to make distinct progress in the political science of city government. Nevertheless, it ought to be said that the constant interference of the Legislature in the details of the city government is a source of almost unmingled harm. A constitutional amendment which should clearly define the sphere of the Legislature with reference to the city, would be of the greatest advantage, especially if it should take from the Legislature all power to interfere in details. Up to 1821 the city was practically administered by

the State. In 1821, the city secured the right to choose its own officers. In 1851, the city set up a claim of independence of legislative control. The next ten years were full of the contest so arising. This contest resulted in the disbandment of the city police, and in the establishment of a metropolitan police by authority of the Legislature. The Legislature was victorious all along the line, and the city has suffered much from Legislative excesses ever since. Public opinion now begins to perceive that the truth lies between the two extremes. The Legislature must grant the city charter, but it must be a charter to enable the city to govern itself, not an instrument to be played upon at will by the Legislature.

It is not to be supposed that the present charter of New York is a perfect instrument, although it is better than those which have preceded it. It does not come within the scope of this paper to make a detailed study of the charter, but it may be useful to call public attention to one of its provisions which has been already alluded to, but which will bear more specific treatment. The following officials are appointed by the Mayor, without confirmation by the Common Council, and for the terms specified :

	Years.
3 Excise Commissioners.....	3
Chamberlain.....	4
Corporation Counsel.....	4
Commissioner of Public Works.....	4
4 Park Commissioners.....	5
4 Police Commissioners.....	6
3 Commissioners of Taxes and Assessments.....	6
3 Dock Commissioners.....	6
Street-cleaning Commissioner.....	6
3 Commissioners of Charities and Correction.....	6
3 Fire Commissioners.....	6
2 Health Commissioners.....	6

The term of office of the Mayors who make these appointments is two years. Among other things it is clear, therefore, that the Mayor who makes the appointments has great power, but it is equally clear that by this arrangement power and responsibility are divided. So long as the Mayor making the appointments is in office it may fairly be claimed that the appointees are responsible to the Mayor. When the appointing Mayor retires from office, however, these various commissioners are in no sense responsible to his successor more than they would be if they had been appointed by the Governor of the State. In the meantime the successive Mayors of the city enjoy very unequal opportunities for moulding the character of the city government. Popularly, they are supposed to have equal power, and are judged by the same standard; as matter of fact one, or even two Mayors, may be called upon to bear criticisms for the poor government that is due to the appointments of their predecessor. It seems to me clear that in this matter power and responsibility should go hand in hand. I believe in giving the Mayor the power of appointment without confirmation, and also the power of removal, because that is the best way yet discovered, in my judgment, to unify the city government and to make all its parts work together as one whole, while at the same time it brings the whole administrative side of the city government within complete control of the citizens, through their ability to elect the Mayor. On the other hand, an essential part of the advantages to be gained by courageously following the theory to its conclusion, is lost unless each Mayor has the opportunity of appointing the officials for whom he is to be responsible. Until this defect in the charter is remedied, New York

will continue to suffer to a considerable extent from inefficient administration, due to the fact that the different departments of the city government have no vital connection with its administrative head. There is no other way so effective to keep the different parts of the machine from colliding with each other, and to substitute co-operation in the city government for continual friction, unless indeed it can be done by making such appointments for an indefinite term, and giving to the Mayor the power of removal.

But I must leave this digression into details. Whatever are the defects of the present charter, I have shown, as I think you will admit, that governmental forms in New York have improved since 1850; but while it is something to do this, it is even more to the point to show that important results, directly traceable to more efficient government and better laws, have also been achieved. This is notably the case in the matter of public order. "New York had its negro riots in 1712, and again in 1741; its Stamp Act riots in 1765; its doctors' riots in 1788; its spring election riots in the year 1834 (this, it should be remembered, was the date of the first popular election of Mayor); its abolition riots in 1834-35; its flour riots in 1837; the famous Astor Place riots in 1849, resulting from the rivalry between the actors Forrest and Macready; its police riots in 1857; its draft riots during the year 1863." In July, 1871, the so-called Orange riots took place, since which time there has been no riot. In the interval since 1871, moreover, great popular excitement has been aroused by labor strikes, some of them local and others wide-spreading in their influence. But the community which in 1849 indulged in a riot about actors that resulted in the death of twenty-two persons

and the wounding of thirty others, has passed through the trying times of later years without bloodshed. After all deductions have been made, the record betokens at once a more efficient police force and a better self-control on the part of the population.

The improvement in the manner of conducting elections is equally notable. In 1850 there was no registration. Repeating was easy and frequent, and disturbances more or less serious were a normal part of election day. The *Tribune* of November 4, 1850, in one of its editorials, says :

“We were visited last Saturday by a person who offered us fifty votes from Williamsburg for the Whig ticket for one dollar each. He said his clients were coming over to vote, anyhow, and were offered \$50 to vote the Loco-Foco ticket, but they did not care which way they voted, so they obtained the cash. It is a burning shame that the legal voters of this city have not the protection of registry, but since that is denied us, we exhort our challengers and wide-awake men to protect the rights of the qualified electors by the most determined exertions.”

When every effort had been made to prevent repeating there still remained, as late as 1870, the situation revealed in Tweed's scornful question: “What are you going to do about it when we count the votes?” Of late years, registration laws have greatly lessened the opportunity for repeating, while the count is now both rapid and accurate. Some cheating there may perhaps be ; but the evil is on a small scale, if it exists at all. New York certainly has, in 1891, what it as certainly did not have in 1850, substantially fair elections. On the last election day public order was perfectly maintained. All this in a city with the most he-

terogeneous population on the face of the globe. And this order is self-maintained, for almost the whole police force is on duty at the polls. At this election more than two hundred and twenty thousand voters cast their ballots in the city of New York, and in six hours the result was substantially known all over the country. We are so accustomed to this that we do not always realize what a triumph of civilization it is ; one may say, in fact, what a triumph of American Democracy. When the Australian ballot system, so recently adopted, has been perfected by the blanket ballot, the opportunity for repeating will be reduced to a minimum ; and our election system of to-day will as much surpass the system of 1850 as the steam printing-presses of to-day surpass the hand-presses of the earlier period. The blanket ballot will also take away the last excuse from the party organizations for assessing candidates, and will make it possible to devise a Corrupt Practices Act which will be effective.

The death-rate of the city, also, is much lower in 1890 than in 1850. In 1850, on less accurate returns, it was 30.60 in the 1,000. In 1890 it was 24.58, in spite of the immense increase in the number of immigrants, and a population which has multiplied in the interval threefold. The sanitary and the building laws are vastly improved. The increased efficiency of the police force, as shown in the better public order that is maintained, has already been referred to.

In 1850 the city enjoyed only such protection from fires as a volunteer fire department could afford. A little book written in 1849 speaks as follows : " As in all large cities, alarms of fire are frequent in New York. Scarcely a night passes that some portion of the firemen are not called into service, and often several times

the same night. The attempt to follow the engines in case of alarm to the scene of the fire is futile. Strangers are often seen returning after a long and fruitless search, having failed to discover the least cause for an alarm. And often when there is a fire, and the fire not far distant, it is impossible to approach near the scene of conflagration without danger of injury from the engines or the crowd." New York is still subject to fires, but the engines are no longer followed to the scene by crowds that endanger wandering strangers, while an efficient paid fire department grapples successfully with conflagrations which in 1850 would have been entirely beyond control.

The book from which I have just quoted was written by A. Porter Belden, M.A., and is entitled "New York: Past, Present, and Future." It is dedicated to Albert Gallatin, LL.D., President of the New York Historical Society. It contains a wonderfully accurate estimate of the probable population of the city in 1890, to wit, 1,770,239. The United States census of 1890 showed 1,513,501, and the city census 1,710,715 souls. This book contains a map of the city in 1849, showing its utmost limit to be 26th Street. The writer's picturesque description is as follows: "The principal portion of the island, including about one-fifth of the whole area, is compactly built. The remainder is mostly under tillage. A few narrow and crooked streets that have existed from the days of Pieter Wolfersten Van Couwenhoven, and which, according to the facetious Knickerbocker, were opened by the kine of the settlement, have occasioned much scandal as to the regularity of New York; but that must be a superficial view that passes over those noble streets that traverse nearly the whole

length of the city, without a diversion to the right hand or the left, or of the northern half of the compact part of the city, which scarce includes an angle more or less than 90° ; or those spacious and splendid avenues that, eleven in number, each one hundred feet in width, run parallel to each other through the upper wards to the remote extremity of the island. In a few years, too, the most irregular portions of the city may perhaps suit those who now declaim so loudly against its want of regularity. Probably no other city would have evinced the public spirit of New York in widening and straightening its ancient streets. Large piles of valuable buildings have opposed no barrier to the accomplishment of this object. The work of improvement is not yet completed. While we write, the crash of buildings under the hand of innovation can be heard making way for an outlet to one of the principal business streets of the city." It is interesting to learn that the street thus referred to is William Street, the upper part of which was formerly called Horse and Cart Street. One cannot wholly fail to enjoy the obvious satisfaction of the writer with the straight line and the right angle. He seems almost to have heard the lines which have been thrown into verse in these later days :

Straight is the line of duty,
Curved is the line of beauty ;
Follow the one, and thou shalt see
The other always follow thee.

In that day Broadway reached only to Union Place. This suggestive passage appears in the writer's description of Broadway in 1849: "The principal lines of omnibuses pass through this street, but their progress in the lower portion is so slow that their utility

for short distances is much diminished. To obviate this inconvenience an elevated railway has been proposed, but the opposition of some of the citizens to this measure has yet to be removed." It has taken longer, perhaps, than was anticipated in 1849 to remove the opposition of some of the citizens to an elevated railway; but it is somewhat striking to learn that such a structure was thought of at that early date.

The streets at that day were mostly paved with cobble-stone. I am sorry to say that our author does not think it worth while to say whether they were kept clean or not. While my own recollection is not distinct as to the earlier period of which I am writing, I think I may appeal to the memory of those among you who can recall the city of 1850, and claim, without fear of contradiction, that our streets are better paved and certainly not less clean. I understand very well that, tried by the standards of to-day, and tested by comparison with many European cities, the condition of our streets is a subject of just criticism, but I am comparing 1890 with 1850 in New York, and I believe the claim to be a just one, that a great improvement in favor of the later period can be established. It is not without a certain significance that in this interval the city on its material side has grown marvelously. Streets and avenues which existed only upon paper in 1850 are now well-paved and well-kept thoroughfares, bordered with fine houses. The sewer system, which was then in its infancy, has become equal to the demands of a city three times as large. The water-works have been developed at great cost, so that they are able to meet (unless this present drought causes them to fail) not only the needs of the greatest population in the country, but also the

demands of the greatest manufacturing centre in the Union. The river front has been developed, only after a fashion it is true, but still so as to be capable of meeting the demands of a greatly increased commerce, both marine and inland, carried on almost entirely in vessels and floats which could not have used the earlier piers. It may be said, I know, that this enormous growth of New York simply proves that the forces which have tended to make a great city here have been so powerful that no amount of bad government could prevent the city's growth. It remains true, however, that the government of the city has met the growing demands of the period, at least, well enough to have kept pace with them in many important particulars.

In 1850, for example, the total acreage of public parks amounted to one hundred and seventy acres. Even the author of the book I have already quoted is unable to persuade himself that New York in 1849 was fortunate among cities in the extent of its parks and public grounds, and he makes the following observation: "The yards and cemeteries that surround several of the churches in the thickly settled portion of the city may be mentioned as a partial compensation for its deficiency in grounds appropriated to public use; but as they are only open on the Sabbath, they little more than serve the purpose of relieving the eye by their occasional patches of verdure in the monotony of a crowded city." Union Square was called "the child of necessity" by that right-angled generation, because they did not know how else to manage the cross-cuts of Broadway and the Bowery. It is true that New York to-day is as lamentably deficient in small parks and breathing-places as it was in 1850; but it ought

not to remain so, for, by a law passed in 1887, the city authorities have the right to expend \$1,000,000 a year for the purpose of opening up such breathing-spots in the crowded parts of the city. I do not understand why this power has not been used as freely as possible, for it certainly gives the opportunity to confer a double blessing upon the city. The worst tenement-houses can be removed where they are crowded together, and neighborhoods which are a source of danger to health can be turned into pleasure-giving and health-giving localities. No one who has visited London can fail to be struck with the immense number of these small parks in all sorts of fascinating shapes, now the crescent, now the square, and now the garden. This fortunate result has come to London as the good side of the system of land ownership prevailing there, which in other directions has not been so advantageous to the city. Most of these small parks are due to the sagacity of the owners of real estate, who, owning land in large areas, have seen it to be to their own advantage to develop their property with crescents and gardens and open squares. The different character of land ownership in our American cities, where individuals own a lot or two only, or at most one or two blocks, is chiefly responsible for our own lack in this direction. The significant and encouraging thing is, that our people have learned to be willing to tax themselves in order to secure these advantages which they have not hitherto enjoyed. Public sentiment should be so awakened on this subject that the city authorities can no longer delay to urge forward the operation of the beneficent law which is already on the statute books. But if New York is only now showing its appreciation of the need of small parks and squares, it has provided

itself with a system of large parks that reveals a quality of foresight greatly creditable to the community. The Central Park is an enduring marvel to those who remember the rocks out of which it was made. The great capitals of Europe for the most part enjoy such parks as a part of their inheritance from the past, but New York, and our American cities generally, have been obliged to meet this need in the midst of the pressure upon their resources in every direction springing from the necessities of their rapid growth. The new parks recently bought by the city have already cost over \$9,000,000. Contrasted with the one hundred and seventy acres of public grounds in the New York of 1850, we have to-day public parks containing 5,198 acres, without reference to the smaller squares and parks which existed in 1850.

If New York has shown foresight in the matter of parks, it has shown a singular lack of foresight in dealing with the question of public franchises. By the charter of 1853, it was provided that "All ferries, docks, piers, and slips shall be leased, and all leases and sales of public property and franchises . . . shall be made by public auction and to the highest bidder who will give adequate security." This provision touching the use of the water privileges inhering in the city has been the source of great revenue to the corporation. The franchise of the Union Ferry Co. alone, which operates five ferries between New York and Brooklyn, has brought into the public treasury since 1860 more than \$2,000,000; while the franchise is still the property of the city, certain to be an important source of revenue in the future as it has been in the past. Daniel Webster said of Napoleon Bonaparte that he was like the fabled giant of antiquity,

“powerful only while he touched the land.” A narrow strip of water like the English Channel brought him completely to bay. It may be said of New York, sitting at the gateway of the continent and through all her history mistress of the waters, that she has been successful only on the water. Her good management has failed her in dealing with the problems of the land. The gas franchises have been given away, and these have been followed by the electric lighting franchises. Street-car franchises, perhaps valuable enough almost to support the city without taxation, have been parted with, one after another, and these were followed by the elevated railroad franchises. One invention after another has been suffered to become the instrument of private profit instead of being made to contribute a substantial part of the city’s support. The story is even worse than this. It is bad enough to perceive what the city treasury has lost, but the effort to secure these valuable franchises for private advantage has probably been more prolific of corruption in the city government than any other single cause. Two mistakes are apparent in the city’s handling of its franchises. It was not soon enough perceived that the principle of competition did not apply to municipal franchises as it has, until recently, applied in private business. The effort on the part of the city to secure competition in the making of gas has resulted, not only in New York but almost everywhere else, in having the public streets repeatedly torn up for the purpose of duplicating the mains, with the ultimate result of capitalizing the plant at a value far beyond the actual need. As a consequence, the only relief in price has come from the arbitrary action of the Legislature. It has been pointed out that the city of Paris, by giving

to a single corporation a monopoly of the business for a term of years, secured for itself the advantages which under our system have gone into the pockets of private stockholders, while the city has at the same time entirely protected its citizens from an overcharge. In other places the city has found it an advantage to own and operate the gas-works itself. Whichever form is chosen it has at last become clear, I think, that in cities every business demanding a public franchise, which, by its nature, can be best conducted as a monopoly, should be treated as a monopoly for the benefit of the public. The public are justly suspicious of monopolies in private hands, but that does not seem to be any reason why they should fail to profit by the advantages of this form of control in matters pertaining to themselves. The other mistake in relation to its franchises which has marked the whole of this era has been that the city, under the law, has held precisely the wrong attitude in relation to the matter. The only privilege granted to the city authorities has been to say yes or no to something which somebody wanted to do. The proper attitude for the city is to say, "We want such and such a thing done. What will you do it for?" The new rapid transit law happily illustrates the correct attitude, and it ought to be made the model for a general law which will apply, not only in New York but in every city of the State, in relation to railroad franchises in cities. The same idea probably may be applied to other franchises with equal benefit. Under the former rapid transit law the duty of the commissioners was to lay down a route, to prepare a plan, and then to call for subscriptions to the stock of the corporation which should take up the franchise. When the corporation had been formed, it

found itself with an incomplete right which could only be perfected by securing the consent of the city and the consent of the property owners, or of the Supreme Court in lieu of the abutting owners. It was precisely at this point that bribery and corruption found their opportunity. Under the new law all this business of securing consent is performed by the Rapid Transit Commission. As a consequence, when that work is completed the commission will be in a position to offer to investors the lease of a franchise which will carry to the company securing it a completed right, a right as available without other consent as the right to operate a ferry. The law also provides that this franchise is not to be parted with indefinitely, but for a term of years. I cannot sufficiently emphasize the importance to New York, and to the cities of the United States, of profiting without delay by this new departure in the relation of a city to its public franchises.

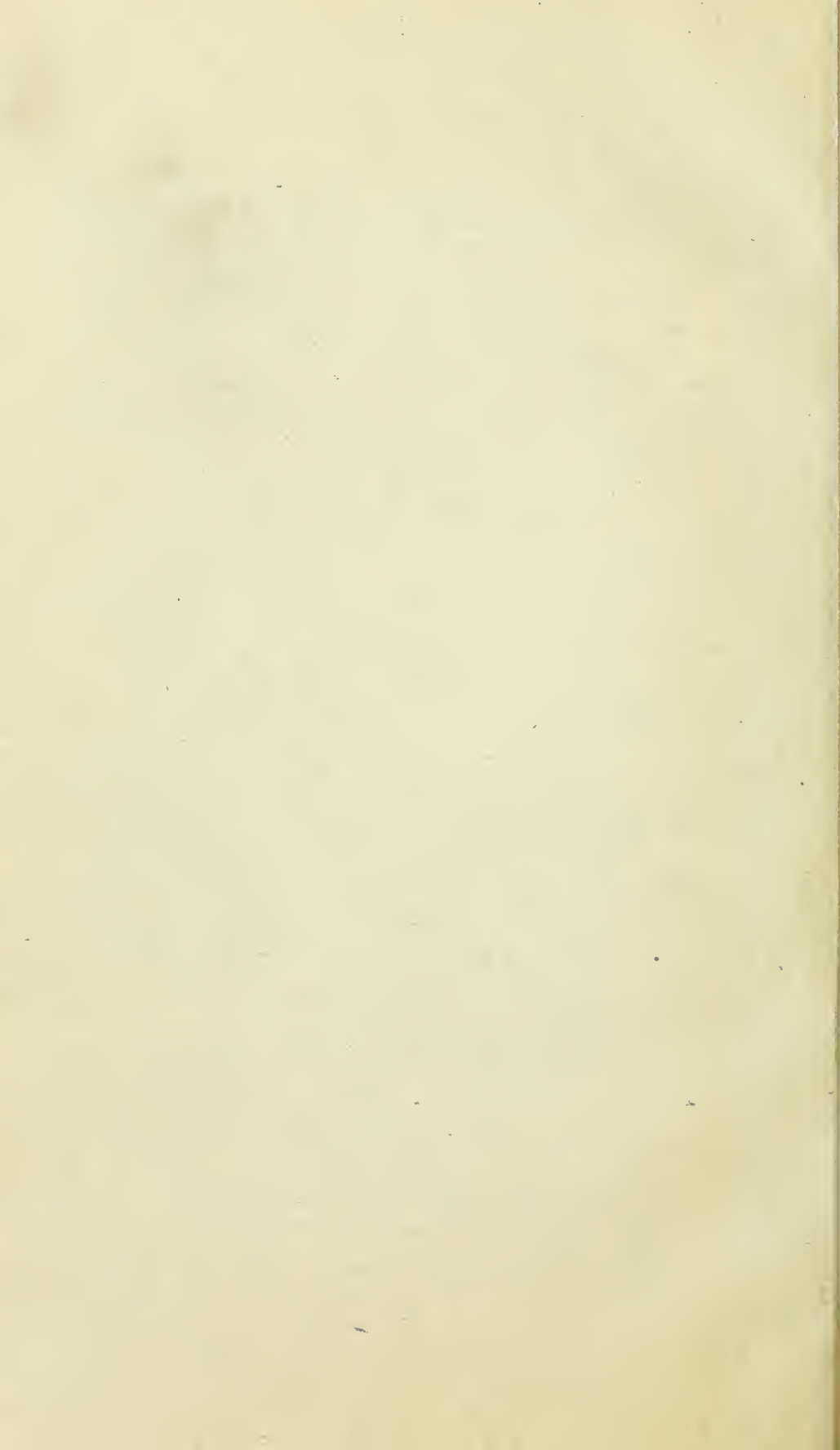
Even here, therefore, there is promise of improvement. In some other directions it will be felt by many that the government of to-day displays the same weaknesses as those which marked it in 1850. This feeling may be summed up in a certain sense of the failure of the city government to secure money's worth for the money spent, and of the frequent incompetence of city officials for the work that they are called upon to do. At intervals, in the period under review, the city government has shown itself shamefully corrupt. Whether justly or unjustly, it has never been entirely free, in all its parts, from the suspicion of this taint. A writer in another city says: "We are badly governed because we choose incompetent, dishonest, or at best inexperienced men to govern us." I think one may discern in the general situation two seeds of trouble. It has been

taken for granted that any man is competent to conduct the affairs of a city in any position to which he may be called. It needs no argument to prove that this is not so. Many positions in the city government call for special talents of a high order, and some of them demand the highest order of talent that is to be found in the community. One reason, at least, why we do not often get such men is, because the people have no realizing sense of the demands of the situation. Until a few men, in recent years, have been to the trouble to tell us what has been achieved in some of the European cities, none of us knew how much behind the highest standard of a modern city our American cities were. The average citizen understands this but dimly even now. In other words, here, as in so many other directions, a very deep-rooted difficulty is the lack in the community itself of the proper ideal. Our people perceive, perhaps, that, on the whole, the city improves rather than deteriorates, and they do not appreciate how much less the city government does than it might do if properly administered. There is no cure for this difficulty but that of education. Our people must be made to appreciate how much more has been achieved in the interest of the citizens in some of the cities abroad than we have been able to accomplish here.

The other difficulty is even harder to overcome. It is not simply that the "spoils system," which has been so demoralizing a force all through the country, has produced the worst results in the cities; it is that we have really lost in our cities the substance of popular government. Napoleon III., established by the plebiscite as Emperor of the French, was as fairly an illustration of popular government as the system affords which prevails in most of our cities. In New York it

is more easy to make this plain than elsewhere, because it chances that the control is in the hands of a society whose nature can be understood from a study of its constitution and by-laws. But where there is no Tammany there is, in almost all our large cities, a "boss," who dominates the party organization of the majority party in such a way as to dictate absolutely the persons for whom the people are allowed to vote. The dominance of Tammany Hall in this city is a singular phenomenon, for Tammany Hall is in no sense a society based on representation. It conducts what it calls primaries, and these apparently are on the broadest basis. They are open to all democratic voters in each assembly district "acting in unison with Tammany Hall." These voters are permitted to elect, in great numbers, delegates to nominating conventions, but the "Committee on Organization" of Tammany Hall, according to their by-laws, "shall, in their discretion, have power of revision and substitution of all nominations hereafter made by conventions called by the General Committee, or any District Committee of this organization, whenever the honor, preservation, and integrity of this organization shall require such action." Here is an oligarchy—not popular control. In Tammany Hall there is no enrolment of voters, neither are there to be found in the by-laws any provisions for inspectors, for voting by ballot, for a count, nor for official returns of the result. These seem to be naïvely recognized as useless formalities in the presence of an intelligent Committee on Organization armed with such authority as I have quoted. The control of this society, and of the nominations which it makes, is practically lodged with the Committee on Organization, and in reality the only privilege which

Tammany extends to the voters of New York is the privilege of ratifying or defeating the nominees whom this committee are pleased to put forward. This society finds its opportunity by conforming to the forms of popular government, but the failures which may be charged to its door, whatever they are, it is pleasant to remember, are not so much the failures of popular government as of the very reverse of popular government. The remedy is not easy to find, nor will it be easy to apply. Nevertheless, I believe that it will be found. I suppose it may have seemed equally hopeless in 1850 to secure an honest election and a fair count, but we have lived to see that accomplished in the space of forty years. One is not over-sanguine, I think, who believes that the next forty years will find a remedy for many of the evils from which we suffer now. The progress of the city always has been marked, more or less, by the habit of the old boxer of whom Demosthenes speaks, who, whenever he was struck, put his hand where it would guard him from being struck in the same place again. The attack certainly may come elsewhere, but, after all, something is gained. On the main question, therefore, I sum up in the general conclusion, that our cities, tested even by New York, are not going from bad to worse. They are doubtless worse at some times than at others, but I believe that it may be fairly claimed that the New York of 1890 was in many important respects a better governed city than the New York of 1850.





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